EXHIBT 8

	Page 1 Page 3
1 IN THE UNITED STATES DIST	
2 FOR THE MIDDLE DISTRICT C	FALABAMA 2 of the deposition by the witness is waived,
3 EASTERN DIVISION	3 the deposition to have the same force and
4	4 effect as if full compliance had been had
5 LORI ANN MORRIS,)	5 with all laws and rules of Court relating to
6 Plaintiff,)	6 the taking of depositions.
7 vs.) CASE NUMBER:	7 IT IS FURTHER STIPULATED AND
8 FLORIDA TRANSFORMER,) 3:	5-CV-962-T 8 AGREED that it shall not be necessary for
9 EDWARD NEAL THOMPSON,)	9 any objections to be made by counsel to any
10 et al.,	10 questions, except as to form or leading
11 Defendants.)	11 questions, and that counsel for the parties
12	12 may make objections and assign grounds at
13 DEPOSITION OF WILLIAM EA	
In accordance with Rule 5(d) o	14 deposition is offered in evidence, or prior
15 The Alabama Rules of Civil Procedu	
16 Amended, effective May 15, 1988, I,	
17 Weldon, am hereby delivering to Her	
18 Penick, the original transcript of the	
19 testimony taken on the 14th day of Ju	
20 2006, along with exhibits.	20
21 Please be advised that this is th	
22 same and not retained by the Court R	
23 nor filed with the Court.	23
	Page 2 Page 4
1 IN THE UNITED STATES DIST	ICT COURT 1 APPEARANCES
2 FOR THE MIDDLE DISTRICT O	
3 EASTERN DIVISION	3 FOR THE PLAINTIFF:
4	4 MR. HENRY L. PENICK
5 LORI ANN MORRIS,)	5 THE PENICK BUILDING
6 Plaintiff,)	6 319 - 17TH STREET NORTH, SUITE 200
7 vs.) CASE NUMBER:	7 BIRMINGHAM, ALABAMA 35203
8) 3:05-CV-962-T	8
9 FLORIDA TRANSFORMER,)	9 FOR THE DEFENDANT:
10 EDWARD NEAL THOMPSON,)	10 MR. RICHARD BROUGHTON
11 et al.,	11 2000 INTERSTATE PARK DRIVE
12 Defendants.)	12 SUITE 204
13	13 MONTGOMERY, ALABAMA 36109
14 STIPULATION	14
15 IT IS STIPULATED AND AG	
16 and between the parties through their	16 MR. EDWARD NEAL THOMPSON
17 respective counsel, that the deposition	
18 WILLIAM E. TIDWELL, may be tak	
19 Cindy Weldon, Certified Shorthand F	
20 Commissioner and Notary Public, at	
21 9th Street, DeFuniak Springs, Florida	
22 July the 14th, 2006 at 10:20 a.m.	22
23 IT IS FURTHER STIPULATE	

1 (Pages 1 to 4)

		-	
	Page 5		Page 7
1	INDEX	1	There's no trick questions. We're just
2		2	having a conversation. If you need to take
3	EXAMINATION BY: PAGE	3	a break for any reason, just let me know and
4	MR. PENICK 6	4	we'll take a break.
5	MR. BROUGHTON 105	5	The only thing that I'd ask is,
6		6	that if we do take a break or you want to
7		7	take a break and I have asked you a
8		8	question, let's complete the answer to that
9	EXHIBITS	9	question before we take a break.
10	PAGE	10	MR. BROUGHTON: And we and the
11	PLAINTIFF'S EXHIBIT NO. 1 41	11	court reporter There's two things. The
12		12	court reporter is going to try to take down
13	PLAINTIFF'S EXHIBIT NO. 3 94	13	everything that we all say by whatever that
14		14	magical box is over there.
15		15	But the two things there is, one,
16		16	you need to answer with a verbal response
17		17	instead of a head shake and, two, try not to
18		18	talk when Henry is talking and he's going to
19		19	try not to talk when you're talking. That
20		20	way, she'll get down everything.
21		21	A. Okay.
22		22	Q. Let's start by letting you tell me
23		23	a little bit about yourself, if you would.
***************************************	Page 6		Page 8
1	WILLIAM EARL TIDWELL,	1	Just tell me where you were born and where
2			you went to school in the early days. We'll
3	after first being duly sworn, testified as follows:		just start there.
4	as follows: EXAMINATION BY MR. PENICK:		A. I was born in Samson, Alabama. I
5			went to school at Ponce De Leon. Born and
6			raised just raised around Holmes County,
7	MR. PENICK: Yes.		Florida.
8	The same of the sa		Q. And so you went to high school in
9	Q. Good morning, Mr. Tidwell. I'm	8	this area?
10	Henry Penick. I represent Lori Ann Morris	10	A. Yes, sir.
11	who is the plaintiff in this case. And this	11	Q. Did you graduate from high school?
12	is a deposition Have you ever had your	12	A. Yes.
13	deposition taken before?	13	Q. What's the name of the high school
14	A. Yes, sir.	14	again?
15	Q. All right. Then you know that the	15	A. Ponce De Leon.
16	procedure is that I'll ask questions and	16	Q. And when were you born?
17	· · · · · · · · · · · · · · · · · · ·		A. 1969, January the 24th.
18	you have to answer with either a yes or a	17 18	Q. So when you graduated from high
19	The second of th		school, then that would have been about
20	can't take down a nod.	19	A. 1988 I graduated high school.
21	A. Right.	21	Q. What did you do immediately after
22	Q. If I ask any questions that you	22	high school?
23	don't understand, just ask me to repeat it.	23	A. I went to work for Talla Tank

2 (Pages 5 to 8)

		1	
	Page 37		Page 39
1	the highway?	1	A. Not that I can recall.
2	A. No, sir. Not that I remember.	2	Q. So were you having any
3	Contract of the contract of th		conversation with Neal as you all approached
4	9		this location where the accident occurred?
5	got in the area of this accident.	5	A. Not that I can remember. We were
6	A. Like we was meeting cars coming	6	not having a conversation.
7	south and we were going north. And all of a	7	Q. Do you remember anything that was
8	sudden, there was this truck laying across	8	going on at all?
9	the whole interstate.	9	A. He was just driving up the road
10	Q. Let me ask you about the cars or	10	and I was sitting over there watching him.
11	trucks going south. They were over on the	11	Q. So what happened once you
12	other side of the highway separated by a	12	recognized this overturned trailer in the
13	median; right?	13	freeway?
14	A. Yes, sir.	14	A. Neal hit the brakes as quick as he
15	Q. And you had two lanes going north?	15	and I both recognized it. There was nowhere
16	A. Yes, sir.	16	to go to get away from it.
17	Q. All right. So tell me what	17	Q. Okay. How many lanes did the semi
18	happened as you all got close to this	18	block the overturned semi blocking?
19	location where the accident occurred.	19	A. It was blocking both north bound
20	A. We were just going north on 85.	20	lanes, plus half the emergency lane.
21	And all of a sudden, there like I said,	21	Q. Do you believe that the part of
22	there was a semi across the road.	22	the tractor portion of the overturned semi
23	Q. What did you notice about the	23	was in the emergency lane?

	Page 38		
	Page 38		Page 40
1	semi?	1	A. Yes, sir.
2	semi? A. When we seen it, it was overturned	2	A. Yes, sir.Q. Did you ever tell anyone that
2 3	semi? A. When we seen it, it was overturned with the bottom of it pointed at us.	1	A. Yes, sir. Q. Did you ever tell anyone that information before?
2 3 4	semi? A. When we seen it, it was overturned with the bottom of it pointed at us. Q. Do you recall whether or not any	2	A. Yes, sir.Q. Did you ever tell anyone that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. When we seen it, it was overturned with the bottom of it pointed at us. Q. Do you recall whether or not any lights were on, on the semi that was overturned? A. There was no lights on that semi as I can recall being on. Q. Do you recall whether or not it had any reflectors that were showing? A. There's no reflectors on the bottom of a semi. Q. Okay. You know, sometimes on the side, they might have a three dimensional reflector mounted on the side of the trailer. And if it's three dimensional, I was wondering whether or not you could see anything reflecting back like that. A. We didn't I did not see nothing that I can recall thinking back. Q. Okay. Do you recall seeing the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes, sir. Q. Did you ever tell anyone that information before? A. The state trooper. Q. Okay. Do you know if he ever recorded that the tractor portion of the overturned semi was in the emergency lane? A. No. I don't remember if he did or not. Q. Did you do an affidavit in this case? A. Affidavit? Q. Yes. Did you sign an affidavit in this case? A. I don't remember. Q. Okay. I want to show you this. This is your affidavit. MR. PENICK: We're going to use this affidavit for purposes of his
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. When we seen it, it was overturned with the bottom of it pointed at us. Q. Do you recall whether or not any lights were on, on the semi that was overturned? A. There was no lights on that semi as I can recall being on. Q. Do you recall whether or not it had any reflectors that were showing? A. There's no reflectors on the bottom of a semi. Q. Okay. You know, sometimes on the side, they might have a three dimensional reflector mounted on the side of the trailer. And if it's three dimensional, I was wondering whether or not you could see anything reflecting back like that. A. We didn't I did not see nothing that I can recall thinking back. Q. Okay. Do you recall seeing the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes, sir. Q. Did you ever tell anyone that information before? A. The state trooper. Q. Okay. Do you know if he ever recorded that the tractor portion of the overturned semi was in the emergency lane? A. No. I don't remember if he did or not. Q. Did you do an affidavit in this case? A. Affidavit? Q. Yes. Did you sign an affidavit in this case? A. I don't remember. Q. Okay. I want to show you this. This is your affidavit. MR. PENICK: We're going to use this affidavit for purposes of his examination. But I'm sure, Richard, we would like to submit a clean copy. This is

10 (Pages 37 to 40)

deposition. (Whereupon, Plaintiff's Exhibit No. 1 was marked for identification.) MR. BROUGHTON: We've already submitted a copy in support of our motion for summary judgment. So we can refer to that one. MR. PENICK: Well, I'd like to attach a copy to the deposition. But this is the only copy I've got now. It's got with what you said in your affidavit. Q. But I want you to disregard any notes that I have written on it and just go with what you said in your affidavit. A. Okay. Q. Is there anywhere in this affidavit that you said that you saw the overturned semi blocking all of the north bound lanes and the emergency lane? A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane? A. Repeat the question again. Q. Do you see anywhere in here? A. Repeat the prove the whole thing if you need D. Describe the brake — Well, first he was a devired that the overturned semi was blocking both lanes and the emergency lane? A. Not that I can remember. A. It did not have no ABS on it or anything like that. Q. Did jou say anything to you immedia		FREEDOM COU	1/1	REI ORIING
2		Page 41		Page 43
MR. BROUGHTON: We've already submitted a copy in support of our motion for summary judgment. So we can refer to that one. MR. PENICK: Well, I'd like to attach a copy to the deposition. But this is the only copy I've got now. It's got writing on it. Q. But I want you to disregard any anotes that I have written on it and just go with what you said in your affidavit. A. Okay. Q. Is there anywhere in this affidavit that you said that you saw the overturned semi blocking all of the north bound lanes and the emergency lane? MR. BROUGHTON: Take your time. You can review the whole thing if you need that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes for taffic. But not the emergency lane? A. A. Is ewhere it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you idin't say it was blocking the emergency lane, did you? A. No, sir. Q. Now, before you came — Before you had impact with the overturned tractor trailer? A. Yes, sir. A. Okay. Q. Jid you sea any debris in the road prior to impact? A. Not that I can remember. We did not see any debris or nothing. Q. Did you see any signage down before the impact? A. Not that I can remember. D. Did you see any debris in the road prior to impact? A. Not that I can remember. D. Did you see any debris in the road prior to impact? A. Not that I can remember. We did not see any debris or nothing. Q. Did you see any debris or nothing. Q. Did you see any signage down before the impact? A. Not that I can remember. D. Did you see any debris in the road prior to impact? A. Not that I can remember. A. Not that I can remember. A. Not that I can remember. Q. Did you see any debris in the road prior to impact? A. Not that I can remember. D. Did you see any debris in the road prior to impact? A. Not that I can remember. D. Did you see any debris in the road prior to impact? A. Not that I can remember. D. Did you see any debris in the road prior to	1	deposition.	1	having overturned, you saw after impact?
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6 for summary judgment. So we can refer to that one. 7 that one. 8 MR. PENICK: Well, I'd like to attach a copy to the deposition. But this is the only copy I've got now. It's got writing on it. 10 is the only copy I've got now. It's got writing on it. 11 Q. But I want you to disregard any notes that I have written on it and just go with what you said in your affidavit. 15 A. Okay. 16 Q. Is there anywhere in this overturned semi blocking all of the north bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need 4 affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you didn't say it was blocking the emergency lane, did you? 3 A. No, sir. 4 Q. Now, before you came Before you had impact with the overturned tractor trailer? 4 A. Yes, sir. 9 Q. Before you had impact with it, did you see any kind of evidence of it trailer? 9 A. Not that I can remember. 9 Q. Did you see any signage down before the impact? 10 A. Repeat the question again. 3 Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both laines and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you laid write diving that he was driving that night. 4 A. Not diving the emergency lane? A. Not diving the impact? A. Not that I can remember. Q. Did you see any signage down before the impact? A. Right. Page Q. Describe the braking system of he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that who had been off the road. Q. Did you say something to Neal impact with the ore remember. Q. Did you say something to Neal impact? A. Not that I can remember	4	MR. BROUGHTON: We've already	4	evidence that the overturned trailer, which
that one. MR. PENICK: Well, I'd like to a tarch a copy to the deposition. But this is the only copy I've got now. It's got writing on it. Q. But I want you to disregard any notes that I have written on it and just go with what you said in your affidavit. A. Okay. Q. Is there anywhere in this affidavit that you said that you saw the overturned semi blocking all of the north bound lanes and the emergency lane? A. Is there anywhere in here? Q. Yes. That you said that. MR. BROUGHTON: Take your time. A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you lidin't say it was blocking the emergency lane. Q. Do yoo was eanywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane. Q. So in your previous affidavit, you lidin't say it was blocking the emergency lane. Q. Do yoo was eanywhere in your affidavit that you indicated prior to now that much about the braking system on the emergency lane. Q. Do yoo was eanywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane. A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. Do you was go something to Neal immediately before the impact? A. Not that I can remember. Q. Did you sae any signage down before the impact? A. Not that I can remember. Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on the Peterbil that you all were driving that when the prevent of the road prior to impact? A. Not that I can remember. Q. Did you say something to Neal impact with the	5	submitted a copy in support of our motion	5	we'll call Morris' tractor trailer, had gone
8 MR. PENICK: Well, I'd like to 9 attach a copy to the deposition. But this 10 is the only copy I've got now. It's got 11 writing on it. 12 Q. But I want you to disregard any 13 notes that I have written on it and just go 14 with what you said in your affidavit. 15 A. Okay. 16 Q. Is there anywhere in this 17 affidavit that you said that you saw the 18 overturned semi blocking all of the north 19 bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now that the overturned semi was blocking both 6 lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 10 Q. So in your previous affidavit, you 11 didn't say it was blocking the emergency 12 lane, did you? 13 A. No, sir. 14 Q. Do you see anywhere in your 15 had impact with the -First of all, did you 16 have impact with the overturned tractor 17 trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did 20 you see any kind of evidence of it 21 voverturning prior to having impact? 22 A. Not that I can remember. 23 You can review the whole thing if you need 14 to. 25 A. Repeat the question again. 26 Q. Do you see anywhere in your 27 A. I see where it says both north 28 bound lanes of traffic. But not the 29 emergency lane. 20 Q. So in your previous affidavit, you 20 I alne, did you? 21 lane, did you? 22 lane, did you? 23 A. Yes, sir. 24 Q. Before you had impact with it, did 25 you see any kind of evidence of it 26 you see any wind of evidence of it 27 you can review the whole thing if you need 19 Q. Do you see anywhere in here? 20 A. Repeat the puestion again. 31 Q. Do you see anywhere in your 32 A. Repeat the puestion again. 33 Q. Do you see anywhere in your 44 fifidavit that you in the road of the road of the road of the road to fit on the see any debris or n	6	for summary judgment. So we can refer to	6	off the road; is that right?
19 attach a copy to the deposition. But this 10 is the only copy I've got now. It's got 11 writing on it. 12 Q. But I want you to disregard any 13 notes that I have written on it and just go 14 with what you said in your affidavit. 15 A. Okay. 16 Q. Is there anywhere in this 17 affidavit that you said that you saw the 18 overturned semi blocking all of the north 19 bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need Page 42 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now 4 affidavit that you indicated prior to now 5 that the overturned semi was blocking both 6 lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 10 Q. So in your previous affidavit, you 11 didn't say it was blocking the emergency 12 lane, did you? 13 A. No, sir. 14 Q. Now, before you came Before you 15 had impact with the overturned tractor 16 the road before impact? 17 A. Not that I can remember. 18 Q. Did you see any debris in the road 18 prior to impact? 19 d. Not that I can remember. We did 10 not see any debris or nothing. 20 De Jog you see any signage down 21 defore the impact? 22 A. Not that I can remember. 23 You can review the whole thing if you need 24 to. 25 A. Repeat the question again. 26 A. Repeat the question again. 27 A. So, that J can remember. 28 A. Repeat the question again. 29 A. Repeat the question again. 20 Do you see anywhere in your 21 afficavit that you indicated prior to now 22 that the overturned semi was blocking both 23 have impact that you ald were driving that 24 he was driving that night. 25 Now, I can't go into detail because I don't 26 know that much about the braking system on how 27 how it I know they work and all that. 28 Q. Did you say something to you 29 immediately before the impact? 20 A. Not that I can remember. 21 Q. Did he say anyth	7	that one.	7	A. That's when we realized everything
10 is the only copy I've got now. It's got writing on it. 2 Q. But I want you to disregard any notes that I have written on it and just go with what you said in your affidavit. 15 A. Okay. 16 Q. Is there anywhere in this affidavit that you said that you saw the overturned semi blocking all of the north bound lanes and the emergency lane? 2 Q. Yes. That you said that. 2 MR. BROUGHTON: Take your time. 2 You can review the whole thing if you need Page 42 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your affidavit that vo unidicated prior to now that the overturned semi was blocking both lanes and the emergency lane? 7 A. I see where it says both north bound lanes of traffic. But not the emergency lane. 0 Q. So in your previous affidavit, you didn't say it was blocking the emergency lane? 10 Q. So in your previous affidavit, you didn't say it was blocking the emergency lane? 11 d. No, sir. 12 A. Not that I can remember. 13 A. No, sir. 14 A. Not that I can remember. 15 A. Not that I can remember. 16 A. Not that I can remember. 17 A. Not that I can remember. 18 A. Not that I can remember. 19 Q. Describe the brake Well, first of all, you said Neal hit his brakes; right? 20 A. Right. 21 A. Right. 22 Page 23 A. Right. 24 Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. 25 A. Not that I can remember. 26 A. Not that I can remember. 27 A. Not that I can remember. 28 A. Right. 29 A. Right. 20 Describe the braking system on the Peterbilt that you all were driving that he was driving that night. 29 A. It did not have no ABS on it or anything like that. 20 Did you say something to Noal immediately before the impact? 20 A. Not that I can remember. 21 A. Not that I can remember. 22 A. Not that I can remember. 23 A. No was part in the road of the morth in the road that in the road prior to now that morth about the braking system on the Peterbilt that you all were driving that he was driving that night. 30 A. No, sir. 31 A. No, sir. 42 A. N	8	MR. PENICK: Well, I'd like to	8	happened, after he went off the road.
11 writing on it. Q. You didn't know that he had been off the road before impact?	9	attach a copy to the deposition. But this	9	Q. After you had the impact?
12 Q. But I want you to disregard any notes that I have written on it and just go with what you said in your affidavit. 15 A. Okay. 16 Q. Is there anywhere in this affidavit that you said that you saw the overturned semi blocking all of the north bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? 4 A. I see where it says both north bound lanes of traffic. But not the emergency lane. 5 Q. Did you see anywhere in your affidavit, you didn't say it was blocking the emergency lane? 6 Q. So in your previous affidavit, you didn't say it was blocking the emergency lane, di you? 1 A. Not that I can remember. 2 D. Did you see any signage down before the impact? A. Not that I can remember. 9 D. Did you see any signage down before the impact? A. Not that I can remember. Q. Did you see any signage down before the impact? A. Not that I can remember. Q. Did you see any signage down before the impact? A. Not that I can remember. Q. Describe the braking system on the Peterbilt that you all were driving — that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system of how it — I know they work and all that. Q. Did you sae any signage down before the impact? A. Not that I can remember. Q. Describe the braking system on the Peterbilt that you all were driving — that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system of how it — I know they work and all that. Q. Did you sae any signage down before the impact? A. Not that I can remember. Q. Did he say anything to you immediately before the impact? A. Not that I ca	10	is the only copy I've got now. It's got	10	A. Yes, sir.
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14 with what you said in your affidavit. 15 A. Okay. 16 Q. Is there anywhere in this 17 affidavit that you said that you saw the 18 overturned semi blocking all of the north 19 bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now 5 that the overturned semi was blocking both 6 lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 10 Q. So in your previous affidavit, you 11 didn't say it was blocking the emergency 12 lane, did you? 13 A. No, sir. 14 Q. Now, before you came Before you 15 had impact with the First of all, did you 16 have impact with the overturned tractor 17 trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did 20 you see any kebris or nothing. 20 A. Not that I can remember. We did 17 not see any debris or nothing. 4. A. Not that I can remember. 20 A. Sto that I can remember. 21 Q. Did you see any signage down 22 da. Not that I can remember. 22 of all, you said Neal hit his brakes; right? 23 A. Right. Page 42 1 CO. Describe the braking system on the 2 Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. A. It did not have no ABS on it or anything like that. 11 Q. Did you say something to you immediately before the impact? A. Not that I can remember. 12 Q. Did estar i member. 13 A. Not that I can remember in your affidavit that you all were driving that he was d	12	Q. But I want you to disregard any	12	off the road before impact?
15 A. Okay. 16 Q. Is there anywhere in this 17 affidavit that you said that you saw the 18 overturned semi blocking all of the north 19 bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need Page 42 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now 5 that the overturned semi was blocking both 6 lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 10 Q. So in your previous affidavit, you 11 didn't say it was blocking the emergency 12 lane, did you? 13 A. No, sir. 14 Q. Now, before you came Before you 15 had impact with the First of all, did you 16 have impact with the overturned tractor 17 trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did 20 you see any kind of evidence of it 20 overturning prior to having impact? 21 A. Not that I can remember. We did 17 not see any debris or nothing. 20 Did you see any signage down 21 A. Not that I can remember. 22 A. Not that I can remember. 24 A. Not that I can remember. 25 A. Repeat the question again. 3 Q. Do you said Neal hit his brakes; right? 26 A. Right. 27 Page 28 Q. Describe the braking system on the 29 Peterbilt that you all were driving that 29 he was driving that night. 30 A. It was just a 1995 Peterbilt. 31 A. It was just a 1995 Peterbilt. 32 Now, I can't go into detail because I don't know that much about the braking system on the 33 he was driving that night. 44 A. It was just a 1995 Peterbilt. 55 Now, I can't go into detail because I don't know that much about the braking system on the 45 Peterbilt that you all were driving that 46 he was driving that night. 47 A. It did not have no ABS on it or 48 any in the might. 49 A. Not that I can remember. 40 Did you say something to Neal immediately before the impact? 41 A. Not that I can remember. 41 A. Not that I can remember. 42 A. N	13		13	
16 Q. Is there anywhere in this 17 affidavit that you said that you saw the 18 overturned semi blocking all of the north 19 bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need Page 42 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 10 Q. So in your previous affidavit, you didn't say it was blocking the emergency lane, did you? 11 didn't say it was blocking the emergency lane, did you? 12 lane, did you? 13 A. No, sir. 4 Q. Now, before you came Before you had impact with the First of all, did you have impact with the overturned tractor trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did you see any kind of evidence of it overturning prior to having impact? 22 A. Not that I can remember. We did not see any debris or nothing. Q. Did you see any signage down 19 before the impact? A. Not that I can remember. We did not see any debris or nothing. Q. Did you see any signage down 19 before the impact? A. Not that I can remember. 21 Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system of how it I know they work and all that. A. It did not have no ABS on it or anything like that. Q. Did you say something to Neal immediately before the impact? A. Not that I can remember. 4 A. Not that I can remember. 4 A. Not that I can remember. 4 A. Not that I can remember. 5 A. Not that I can remember. 5 A. Not that I can remember. 6 A. Not that I can remember. 7 A. Not that I can remember. 8 A. Not that I can remember. 9 Did you say something to Neal immediately before the impact? A. Not	14	with what you said in your affidavit.	14	Q. Did you see any debris in the road
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18 overturned semi blocking all of the north 19 bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need Page 42 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now 5 that the overturned semi was blocking both 6 lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 10 Q. So in your previous affidavit, you 11 didn't say it was blocking the emergency 12 lane, did you? 13 A. No, sir. 14 Q. Now, before you came Before you 15 had impact with the overturned tractor 17 trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did 20 you see any signage down 19 before the impact? 20 A. Not that I can remember. 21 Q. Describe the brake Well, first 22 of all, you said Neal hit his brakes; right? 23 A. Right. Page 42 1 Q. Describe the brake Well, first 24 A. Right. Page 4 Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know it I know they work and all that. 6 Q. All right. 9 A. It did not have no ABS on it or anything like that. 10 Q. Did you say something to Neal immediately before the impact? 11 A. Not that I can remember. 12 A. Not that I can remember. 13 A. Not that I can remember. 14 Q. Did either one of you make any exclamations before the impact? 15 A. Not that I can remember. 16 A. Not that I can remember. 17 A. Not that I can remember. 18 A. Yes, sir. 19 Q. Before you had impact with it, did you see any kind of evidence of it you say something to Neal immediately before the impact? 19 A. Not that I can remember. 19 A. Not that I can remember. 20	16	Q. Is there anywhere in this	16	A. Not that I can remember. We did
19 bound lanes and the emergency lane? 20 A. Is there anywhere in here? 21 Q. Yes. That you said that. 22 MR. BROUGHTON: Take your time. 23 You can review the whole thing if you need 24 to. 25 A. Repeat the question again. 26 Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? 27 A. I see where it says both north bound lanes of traffic. But not the emergency lane. 28 Q. Now, before you came Before you lane, did you? 29 A. No, sir. 20 Describe the braking system on the Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that. 6 Q. All right. 7 A. Not that I can remember. 9 A. It did not have no ABS on it or anything like that. 10 Q. Did you say something to Neal immediately before the impact? 11 A. Not that I can remember. 12 Q. Did he say anything to you immediately before the impact? 13 A. Not that I can remember. 14 Q. Did he say anything to you immediately before the impact? 15 A. Not that I can remember. 16 A. Not that I can remember. 17 I was just a 1995 Peterbilt. 18 Q. All right. 19 A. It did not have no ABS on it or anything like that. 19 Q. Did he say anything to you immediately before the impact? 10 A. Not that I can remember. 11 A. Not that I can remember. 12 A. It was blocking the emergency lane, and lane lane and the emergency lane, and lane and lane and the emergency lane, and lane and lane and the emergency lane	17	affidavit that you said that you saw the	17	not see any debris or nothing.
A. Is there anywhere in here? Q. Yes. That you said that. MR. BROUGHTON: Take your time. You can review the whole thing if you need Page 42 1 to. Q. Do you see anywhere in your 4 affidavit that you indicated prior to now 5 that the overturned semi was blocking both 6 lanes and the emergency lane? A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. Q. So in your previous affidavit, you 1 didn't say it was blocking the emergency 12 lane, did you? 13 A. No, sir. 4 Q. Now, before you came Before you 15 had impact with the First of all, did you 16 have impact with the overturned tractor 17 trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did you see any kind of evidence of it 20 Do you wear glasses by the way? 21 A. Not that I can remember. 22 A. Not that I can remember. 23 A. Not that I can remember. 24 A. Not that I can remember. 25 A. Not that I can remember. 26 A. Not that I can remember. 27 A. Not that I can remember. 28 A. Right. Page 42 Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 4 Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 4 Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 4 Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. 6 A. It did not have no ABS on it or anything like that. 9 Q. Did he say anything to you immediately before the impact? A. Not that I can remember. Q. Did eith	18	overturned semi blocking all of the north	18	Q. Did you see any signage down
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MR. BROUGHTON: Take your time. You can review the whole thing if you need Page 42 to. A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you lidin't say it was blocking the emergency lane, didn't say it was blocking the emergency lane, didn't say it was blocking the emergency lane, and impact with the overturned tractor trailer? A. No, sir. Q. Now, before you came Before you had impact with the overturned tractor trailer? Q. Before you had impact with it, did you see any kind of evidence of it overturning prior to having impact? A. Not that I can remember. It all happened too quick. Of all, you said Neal hit his brakes; right? A. Right. Page Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. A. It did not have no ABS on it or anything like that. Q. Did you say something to Neal immediately before the impact? A. Not that I can remember. A. Not that I can remember he didn't. Q. Did either one of you make any exclamations before the impact? A. Not that I can remember. It all happened too quick. Q. Do you wear glasses by the way? A. Not that I can recall right now.	20	A. Is there anywhere in here?	20	A. Not that I can remember.
23 You can review the whole thing if you need 1 to. 2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now 5 that the overturned semi was blocking both 6 lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 9 Q. So in your previous affidavit, you 1didn't say it was blocking the emergency 1ane, did you? 13 A. No, sir. 14 Q. Now, before you came Before you 15 had impact with the First of all, did you 16 have impact with the overturned tractor 17 trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did 20 you see any kind of evidence of it 2 Peterbilt that you all were driving that 3 he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on the 2 Peterbilt that you all were driving that 3 he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on the 2 Peterbilt that you all were driving that 3 he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system on the 2 Peterbilt that you all were driving that 3 he was driving that night. 4 A. It was just a 1995 Peterbilt. 8 Q. All right. 9 Page 1 A. It did not have no ABS on it or 10 anything like that. 11 Q. Did you say something to Neal 12 immediately before the impact? 13 A. Not that I can remember. 14 Q. Did either one of you make any 15 exclamations before the impact? 16 A. Not that I can remember. It all 17 happened too quick. 18 Q. Do you wear glasses by the way? 19 Q. Do you wear glasses by the way? 21 A. Not that I can recall right now.	21	Q. Yes. That you said that.	21	Q. Describe the brake Well, first
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2 A. Repeat the question again. 3 Q. Do you see anywhere in your 4 affidavit that you indicated prior to now 5 that the overturned semi was blocking both 6 lanes and the emergency lane? 7 A. I see where it says both north 8 bound lanes of traffic. But not the 9 emergency lane. 10 Q. So in your previous affidavit, you 11 didn't say it was blocking the emergency 12 lane, did you? 13 A. No, sir. 14 Q. Now, before you came Before you 15 had impact with the First of all, did you 16 have impact with the overturned tractor 17 trailer? 18 A. Yes, sir. 19 Q. Before you had impact with it, did 20 you see any kind of evidence of it 21 overturning prior to having impact? 2 Peterbilt that you all were driving that 3 he was driving that night. 4 A. It was just a 1995 Peterbilt. 5 Now, I can't go into detail because I don't know that much about the braking system of how it I know they work and all that. 9 Q. All right. 9 A. It did not have no ABS on it or 10 anything like that. 11 Q. Did you say something to Neal 12 immediately before the impact? 13 A. Not that I can remember. 14 Q. Did either one of you make any 15 exclamations before the impact? 16 A. Not that I can remember. It all 17 A. Not that I can remember. It all 18 A. Not that I can remember. It all 20 happened too quick. 21 Q. Do you wear glasses by the way? 22 A. Not that I can recall right now.	1	to.	1	O. Describe the braking system on the
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